IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1980/07

Leelaram & Ors. **Versus** State & Anr.

DATE OF ORDER :: 06/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Ravi Shankar Sharma, for petitioners
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed for quashing of FIR registered against accused-petitioners for offence u/ss.420, 406, 466, 468, 436, 379 & 120-B IPC.

Before FIR was registered, a private complaint was filed by complainant Mr. Ajeet Singh on 4th September, 2006. After recording statement of said complainant u/ss.200 & 202 Cr.P.C., order was passed by learned trial Judge on 15th March, 2007 for making certain investigation. It appears that later on FIR has been registered which is impugned in the instant petition.

Basic contention of counsel for petitioners is that once investigation on private complaint is pending, the FIR which has been placed for self-same incident, is nothing, but abuse of the process of law and requires interference by this court. In support of his contention, counsel placed reliance on the judgment of this court in **Bhoom Singh Vs. State of Rajasthan [2005 (1) RCC-83]**.

There is no such bar that pending complaint, no police investigation can be made under the Code. Learned trial Judge is competent to take proper steps for with-holding investigation provided u/s.210 of the Code and this court does not find any error at this stage which may call for interference.

The judgment in **Bhoom Singh Vs. State of Rajasthan** [supra] is not applicable in the facts of instant case for the reason that after FIR was registered and investigation was pending for the self-same incident, second FIR was registered and Investigating Officer initiated investigation on the second FIR as well and in such fact situation, this court observed that investigation in second FIR is not legally sustainable – it is not the facts situation of the instant case.

Consequently, this court finds no substance in the misc. petition, the same stands dismissed.

[AJAY RASTOGI],J.